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District of Nevada

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GERRY DAVIS,

Plaintiff,

vs.

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

Case No.: 3:19-cv-00363-CLB

**DEFENDANT'S FURTHER STATUS REPORT
REGARDING PRODUCTION OF CERTIFIED
ADMINISTRATIVE RECORD**

Defendant, Commissioner of Social Security (Commissioner), by his undersigned attorneys, provides notice to the Court and Plaintiff that an electronic copy of the certified administrative record (e-CAR) has been prepared and can now be filed in this matter. However, the Commissioner advises the Court that, at this time, the Office of Appellate Operations (OAO) is not working at full capacity at its official worksite in Falls Church, Virginia. Although one staff member is now permitted to physically enter the office to work on a very limited basis, OAO is still unable to provide CD and hard copies of the CAR—which has typically been required in this Court—with any regularity, given the limited staff and overall volume of cases.

While the Commissioner typically files the e-CAR under seal, as required by the Court, this filing is only accessible to the Court and not by the parties through CM/ECF. However, it is Defendant's counsel's understanding that a new event has been added to CM/ECF which will allow the Commissioner to file the e-CAR under seal and all case participants will have access to the e-CAR. Accordingly, the Commissioner requests that he be permitted to file the e-CAR under seal using this new event ("Certified Administrative Record under seal") and be relieved of the requirement of preparing CD/hard copies of the CAR. This will allow Plaintiff to access the e-CAR through CM/ECF and for the case to move forward without further delay.

If the Court does not wish to relieve Defendant of the requirement to prepare CD/hard copies of the CAR, the Commissioner sees no other option than to wait to file the CAR in this matter until OAO regains the capacity to provide CD/hard copies of the CAR, which will require seeking a further stay upon the expiration of the current stay.

Dated: July 10, 2020

Respectfully submitted,

NICHOLAS A. TRUTANICH
United States Attorney

IT IS SO ORDERED.

Dated: July 15, 2020.

/s/ Allison J. Cheung
ALLISON J. CHEUNG
Special Assistant United States Attorney


UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **DEFENDANT'S FURTHER STATUS REPORT REGARDING PRODUCTION OF CERTIFIED ADMINISTRATIVE RECORD** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Melissa Palmer
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Attorney for Plaintiff

Hal Taylor
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Attorney for Plaintiff

Dated: July 10, 2020

/s/ Allison J. Cheung
ALLISON J. CHEUNG
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